

APPEAL NO. 021075  
FILED JUNE 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on April 2, 2002. The hearing officer determined that, with regard to Docket No. 1, the compensable injury of (date 1)\_\_\_\_\_, does not include an injury to the right knee consisting of intrameniscal tear with associated parameniscal cyst formation of the remaining lateral meniscus and partial thickness tear of the ACL [anterior cruciate ligament]. With regard to Docket No. 2, the hearing officer determined that respondent 1 (claimant) sustained an injury to his right knee on (date 2)\_\_\_\_\_; that the injury did not arise out of voluntary participation in an off-duty activity not constituting part of the claimant's work-related duties and, consequently, the appellant (self-insured) is not relieved from liability for the injury; and that the claimant had disability from July 17, 2001, and continuing through August 28, 2001. On appeal, the self-insured argues that the evidence does not support the hearing officer's determinations in Docket No. 2. The claimant urges affirmance. The appeal file contains no response from respondent 2 (carrier).

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

Records of the Texas Workers' Compensation Commission (Commission) indicate that the decision of the hearing officer was received by the self-insured's (city) representative on April 10, 2002. As provided in Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 156.1(c) (Rule 156.1(c)), "[a]ny notice from the Commission, sent to the designated representative's address, is notice from the Commission to the insurance carrier." Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days of the date of receipt of the hearing officer's decision. Section 410.202(d) was amended effective June 17, 2001, to exclude Saturdays, Sundays, and holidays listed in the Texas Government Code from the computation of time in which to file an appeal. Fifteen days from the self-insured's receipt of the hearing officer's decision would have been May 1, 2002. The self-insured's appeal was received by the Commission via hand delivery on May 2, 2002, and, therefore, was not timely filed. There is no indication that the self-insured mailed a copy of the appeal to the Commission.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer have become final under Section 410.169.

The true corporate name of the self-insured is **STATE OFFICE OF RISK MANAGEMENT** and the name and address of its registered agent for service of process is

For service in person the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
300 W. 15TH STREET  
WILLIAM P. CLEMENTS, JR. STATE OFFICE BUILDING, 6TH FLOOR  
AUSTIN, TEXAS 78701.**

For service by mail the address is:

**RON JOSSELET, EXECUTIVE DIRECTOR  
STATE OFFICE OF RISK MANAGEMENT  
P.O. BOX 13777  
AUSTIN, TEXAS 78711-3777.**

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**MR. RUSSELL R. OLIVER, PRESIDENT  
221 WEST 6TH STREET  
AUSTIN, TEXAS 78701.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Thomas A. Knapp  
Appeals Judge

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Robert E. Lang  
Appeals Panel  
Manager/Judge